

SALT LAKE HAS  
A DRAYAGE TRUSTMr. Blackmar Says He Is Not  
in It.TRIAL OF DAMAGE CASE  
SENSATIONAL CHARGES MADE  
BY DEFENDANT.

The case of the B. & O. Transfer company against B. D. Blackmar, to recover damages for alleged breach of contract and for an alleged retaining defendant from engaging in the business of drayage and drayage in this city until after the expiration of two years, was further heard yesterday before Judge Hall on the application for an injunction. At the hour of adjournment the evidence had been presented, and Monday morning was set for hearing the arguments.

The defense called a number of witnesses to substantiate the allegations in Blackmar's answer, which contained several charges against the company. Blackmar denied all of the material allegations in plaintiff's complaint with reference to selling out his business for \$4,000, pledging that he would retire from the pursuit of a drayman August 1, 1902, and that he had violated the agreement by taking the business of the B. & O. company's customers with him this spring.

A further defense pleaded by Blackmar is that when he was retained from the company he was retained as a drayman, and not as a drayage company, and that he had succeeded in securing a drayage trust in this city, destroying all legitimate competition and fixing up the price of service fully 33 per cent.

A sensational part of Blackmar's defense is that he merely signed the agreement of service with the company, and that subsequently some one inserted in the bill of sale a clause to the effect that \$4,000 would be the sum fixed for damages in case the agreement was broken by his employees.

Blackmar declares that he only recently received notice of the company having freight, and had only taken Studebaker's and the Salt Lake Hardware company from the B. & O. company's customers to wipe out his debt to them for his outfit.

## SUPREME COURT CASES.

May Term Opens Monday With  
Twenty-five Cases to Be Argued.

The May term of the state supreme court commences on Monday, and twenty-five cases are set down for argument from the opening day until May 23. The cases on appeal scheduled for hearing are as follows:

Monday, May 13—State of Utah vs. Brigham H. Roberts, appellant, the state vs. J. W. Neel, appellant, the state vs. Nathan E. Haworth, appellant.

May 14—The state vs. Peter T. Mickle et al., appellants, the Crown Point Mining company vs. the Crown Point Barrios Consolidated Mining company, George C. Whitmore vs. the Rio Grande Western Railway company, appellant.

May 15—Kaysville Lytle vs. P. Elison, appellant, A. N. McIntosh, appellant, vs. Salt Lake county, Daniel H. Wadsworth et al. vs. Adams et al., appellants.

May 16—James Schenck vs. J. W. Wadsworth, appellant, B. W. Haddock vs. Salt Lake city, P. W. Fisher vs. D. H. Young, appellant.

May 17—Hattie H. Young vs. the Consolidated Implement company, the Western Loan & Savings company, appellant, vs. George H. Berg, in the matter of the estate of Frederick H. Auerbach, deceased, R. G. Wilson, appellant.

May 20—M. M. Murray, trustee, et al., appellants, vs. Henry Beal, Isabella M. Pitts vs. the New Mammoth Gold Mining company et al., appellants; William C. Hall vs. John McNally et al., appellants.

May 21—A. R. C. Smith vs. L. R. C. Smith et al., appellants; A. R. C. Smith vs. A. R. C. Smith et al., appellants; John F. Schell vs. James Thompson, appellant.

May 22—Murray Hill Mining & Milling company, William H. Huxley et al., appellants, John W. Allen vs. J. W. W. Fitzgerald, appellant; George R. Wood vs. the Salt Lake City Railroad company, appellant; James J. Vidor Gold & Silver Mining company, appellant.

## TWO DIVORCE CASES.

A Wife Complains and a Husband  
Granted a Decree.

Lobby E. Seaman, suing George W. Seaman in the district court, for a decree of divorce and a restoration of her maiden name, Horne. The parties were married at Price on Feb. 3, 1895, and the complaint alleges that on April 6, 1899, Seaman deserted his wife, and ever since has willfully failed to provide for her support.

Judge Hall yesterday granted a decree of divorce to Albert Aronowitch from Emily Aronowitch, whom he married in this city on January 7, 1897. The decree was granted on recommendation of Referee Eldridge, who took the testimony. In the case after the defendant had been adjudged in default for failing to answer the complaint, which charged desertion and abandonment upon the part of defendant. Mrs. Aronowitch was awarded the custody of her two children, and the plaintiff is freed from obligation to support them.

## Railroad Damage Suit.

Edward P. Munn yesterday filed suit in the district court against the Oregon Short Line Railroad company to recover damages for the loss of \$1,500, the loss of a finger while in defendant's employ in this city on May 23, 1899, unloading bridge timbers. Negligence upon the part of the railroad company in failing to provide suitable means for the unloading work is alleged.

## Sleep Case Argued.

The arguments in the case of John G. Turnbow vs. Martin Beckstead and the Utah Commercial & Savings bank, involving the ownership of a flock of leased sheep, were made yesterday afternoon by Attorneys Barlow, Ferguson and J. W. Jenkins. The case was argued by George Sutherland for defendant Beckstead, and Stanley Price for the bank. The issue was submitted for decision at the conclusion of the arguments.

## Appointments of Judges.

Judge Morse will commence the trial of jury cases on Monday morning. Judge Stewart will go to Summit county on Tuesday to hold a session of court there for several days. The trial of criminal cases will be recommenced in this city on May 27.

## District Court Orders.

Mrs. J. McKimble vs. Charles J. Lamport, motion to dismiss appeal taken under advisement.

J. W. Jenkins vs. S. Hays et al., same motion and order.

Wm. J. Nichols vs. Oregon Short Line Railroad company; motion to re-

quire plaintiff to give security for costs denied.

Laura A. Bricker vs. Edward F. Stolte; motion to dismiss appeal taken under advisement.

Edwin C. McGraw vs. L. V. Hammel; case dismissed at plaintiff's cost.

James J. Hiler vs. Oregon Short Line Railroad company; defendant's motion for a new trial taken under advisement.

Clarence B. Jones vs. John F. Howell and E. Y. Golding; case dismissed at plaintiff's cost.

## BROWN CONVICTED BY A JURY

## MAN CHARGED WITH INSULTING LITTLE GIRLS

Tried to Prove an Alibi, but Witnesses Testified That He Was the Offender.

Charles Brown, the well known painter and member of the Twenty-second ward choir, who was arrested a few days ago on a charge of taking liberties with little girls in the northwest part of the city, and who was believed to be the man who for months has terrorized the city by attacks upon women and girls, was convicted yesterday on a charge of obscene conduct, made against him by 10-year-old Emily Foster, who lives in the rear of 331 North Fifth West street. Brown is now in jail awaiting sentence to be passed upon him by Judge Timmony tomorrow at 2 p. m.

The case occupied nearly all the afternoon before Judge Timmony and was strongly contested. Prosecutor Field made a strong fight for the city, and Attorney Hamilton for the defense attempted to prove an alibi.

When the case was called the defendant demanded a jury and the following men were returned to act in that capacity: Charles Hixon, H. Greenbeck, D. Midgley and Ed. Needham. Attorney Hamilton made an effort to have the jury cleared, but the judge held that he had no right to do that.

Hamilton then asked the mothers of the little girls and the officers who had worked on the case to be seated, and when informed that he could not have it done without having them subpoenaed as witnesses he subpoenaed them and had them removed.

The principal witnesses for the prosecution were Charles Solomon and Emily Foster. These two little girls, aged 9 and 10, testified that on Tuesday, the 16th, Brown met them about 6 o'clock in the evening and committed the crime with which he was charged. Both girls identified Brown as the man, but it was dark and she was not sure that the man was Brown, but believed that he was, Henry Solomon and Edward Foster, two brothers of the little girls, testified that they had seen Brown commit the crime charged. They said that Brown was the man.

Attorney Hamilton took his witnesses and attempted to prove an alibi. Mrs. Crowthers, Mrs. Malt and Mrs. Brown were put on the stand and testified that Brown was at their home at the time of the alleged crime, and Mrs. Brown testified that he was not away in the evening. They all testified that he was on that day, a jumper and a pair of trousers, and that he appeared to be perfectly cool and untroubled, took the stand and declared that he was not in the vicinity of the alleged crime at any time that day, and that he was innocent of any offense.

The jury, after retiring, remained only a few minutes, and they returned the verdict of guilty.

## COUNTY AFFAIRS.

The county commissioners held a session yesterday noon to consider proposals for widening the main-traveled county roads and boulevards for the season. Eight bids were received, but the time of opening and the time of the bids was postponed until Monday afternoon.

It was ordered that Alexander W. Kort, an honorably discharged Union soldier who died in this city on Thursday, be buried at the expense of the county, under the direction of the coroner, and that a suitable headstone be provided for his grave, in conformity with the new law relating to burial of indigent veteran soldiers.

Wednesday, May 22, was fixed as the time of commencing the auction sale of the county's tax.

## EXCLUSIVE PATTERNS

And shapes in Spring Neckwear. BROWN, TERRY & 155 Main Street.

## POSTPONED!

Excursion to Ogden. The excursion to Ogden by special train Sunday, at 10 a. m., via Rio Grande Western Railway, is postponed, account inclement weather.

## RAIN COATS

Arnold Mackintosh; new line of patterned, tan, and brown coats. BROWN, TERRY & WOODRUFF CO., 155 Main Street.

Boys' Balbriggan Underwear, regular size, on sale at 20c per garment, at the Auerbach Liquidation Sale.

Picture table at the P. E. O. "Rummage Sale."

See Stephens, the real estate, business chance and rent agent, 235 South Main.

## WE ARE FAMOUS

For our fine work on Shirts, Collars, Cuffs, Flannels, Blankets and Lace Curtains.

## TROY STEAM LAUNDRY.

Cabinet is Summoned. Vienna, May 4.—Emperor Francis Joseph has written autograph letters to Count Coudenhove-Korner, president of the Imperial council; Dr. von Koerber, the Austrian premier, and President De Kottmann-Szall of the Hungarian cabinet, commending the delegations to meet, May 20.

## CRICKET COACH.

Englishman Comments on American Food. The English coach of the German town, Pa., Cricket club had an experience with food worth knowing.

He says: "When I came to this country I was engaged as Professional Coach. I had suffered a long time from constipation and pains in the lower part of the back, and after 'bowling' and coaching for about an hour the pains would be so severe they would nearly draw me to the ground."

"I tried many remedies without success. Finally I went on Grape-Nuts Food, using it for breakfast in place of oatmeal. Within three days I began to feel better. I have kept it up regularly and now feel like a new man."

"I can go on and bowl for hours without a pain. Bowlers as regular as a clock and my head is clear and steady."

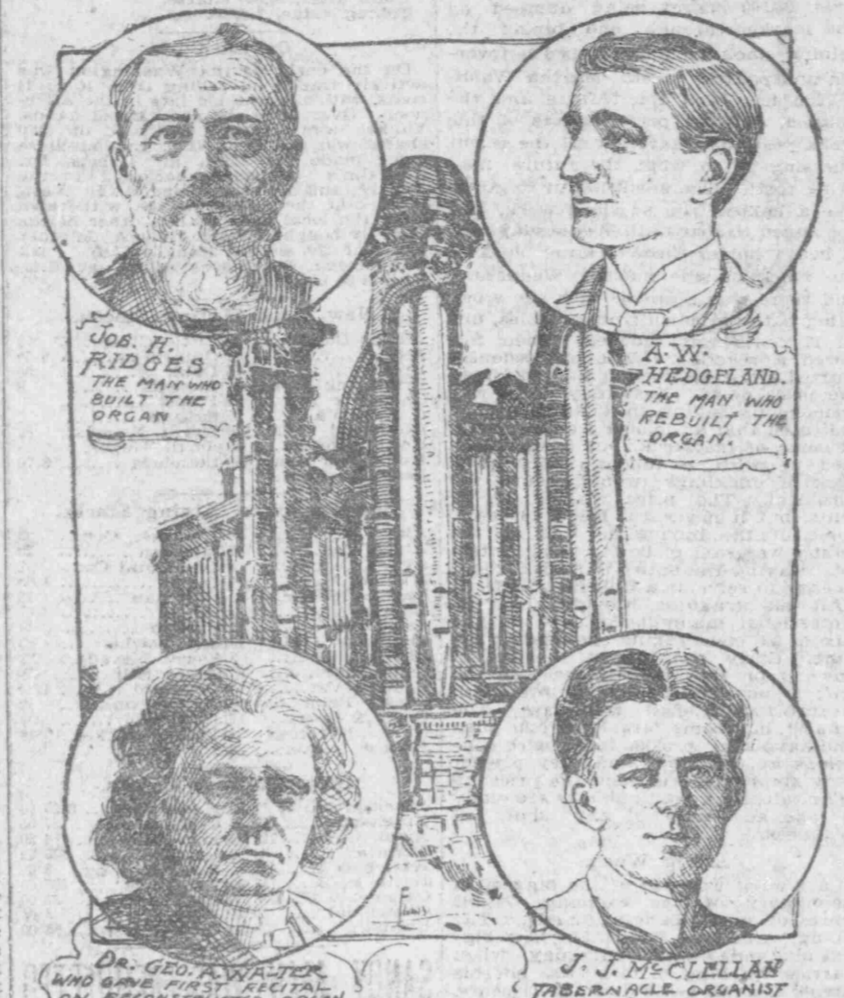
"I advise its use with all our players." J. Caesar, Pro. Coach.

Do not forget to get a man in at condition as surely and quickly as Grape-Nuts. There's a reason.

Four Thousand People Hear the  
Reconstructed Organ.

IF ANY VERDICT is necessary on the tabernacle organ, let it be given by the 4,000 people who assembled in the building yesterday forenoon to hear the first public recital since the completion of the work, rendered by Dr. Walter of Washington, D. C. No jury ever listened more attentively to the evidence before it than did this immense congregation. Every man and woman in the building had an ear out for imperfections; half of them were on pins and needles when the perform-

ing object before the vision, there was a hush of suspense. His skilled fingers "wandered idly" through the first bars of the "Mantana" overture and the listeners settled back with one conviction at least—they were hearing a treat. As the doctor went on with the overture, the audience warmed to an enthusiastic point. His wonderful enthusiasm gave the impression that no two measures were being played in the same combination and the piece being one of the most beautiful and exhibiting new features of the instrument. Before many moments the



## TWO SMALL WRECKS.

Passenger Coaches Damaged, but No One Hurt.

Two small wrecks were reported on the Rio Grande Western yesterday. At Bingham Junction a light engine was on the siding as train No. 3 from the south, due at Salt Lake at 6 o'clock, was pulling in. For some unexplained reason the engine failed to stop at the crossing and it crashed into the passenger train.

There was a lively tank there for a time, and E. B. Rork of Gunnison, at the White House, one of the passengers, "the man in the car where I was began jumping out of the window and was badly hurt, but not seriously. The cars stopped after awhile and it was found that nobody was seriously hurt, although several were shaken up and bruised. The engine was badly smashed and had to be left behind. The tender on the light engine was badly broken up. It looked as if the engineer had got rattled and pulled the lever the wrong way, causing the collision, although it does not know that is a fact."

E. C. Hughes of Knapp & Co., of Kansas City, came in yesterday on No. 3, due here at 9:30 a. m., but several hours late. He said a wreck at Castle Gate came near being fatal. Mr. Hughes brought in some pieces of the wreck, and the engine and tender had jumped the track there and been badly smashed. There were fourteen passengers on this coach, which barely escaped being hurled down an embankment.

## CHATFIELD AGREEMENT.

No Agreement to Supply Wants of the Widow.

In the report of the Fifteenth ward Mormon church members against Helen Watson to recover possession to a lot and house on Fifth West street, it was made to appear that a part of the consideration for the purchase of the property to the church corporation of the ward, fifteen years ago, was that the ward should maintain the surviving widow from want so long as she lived. The fact is that the only consideration, aside from the dying grantor's voluntary gift, was that Mrs. Chatfield should have possession of the property during her life.

## SMALLPOX DISAPPEARING.

Big Decrease in Number of Cases Last Week.

Last week's report of the health department shows more encouraging conditions than have prevailed for several months past. With the tea new cases of smallpox reported during the week, there are now twenty cases of the disease under quarantine in various parts of the city, and twenty-five

critical listeners dispelled their doubts, if any they had. The good impression was better after the rendition of "Visions in a Dream," a popular and descriptive number, and to an encore the organist responded with the familiar intermezzo from "Rusticana."

In the great assemblage of yesterday all classes of the city's population were represented. President Snow presided at the organ, and the extremely chilly atmosphere to take his place among the listeners. Beside him was President Joseph F. Smith and August Heber, J. Grant, white Bishop Preston, President Angus M. Cannon and many other church dignitaries, who by all right had more interest in the hearing than any other present, occupied seats not far away. Nearly every musician of Salt Lake was present, Professor Radcliffe being especially prominent and absorbing the building was filled rapidly with the organist, who by all right had more interest in the hearing than any other present, occupied seats not far away. Nearly every musician of Salt Lake was present, Professor Radcliffe being especially prominent and absorbing the building was filled rapidly with the organist, who by all right had more interest in the hearing than any other present, occupied seats not far away. 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